

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

April 28, 2006

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

PSF No.:05OD-147

OAHU

Re-Submittal Cancellation of Easement 12 and Grant of Perpetual, Non-Exclusive Easement to 300 Corporation, Housing and Community Development Corporation of Hawaii and State of Hawaii on behalf of the Department of Accounting and General Services for Access and Utility Purposes and Issuance of a Construction Right-of-Entry, Honolulu, Oahu, Tax Map Key: (1) 1-5-7:portion 1 and 2.

APPLICANT:

300 Corporation, a domestic profit corporation, whose business and mailing address is 3660 Waialae Avenue Suite 400, Honolulu, Hawaii 96816.

Housing and Community Development Corporation of Hawaii (HCDCH), whose business and mailing address is 677 Queen Street Suite 300, Honolulu, Hawaii 96813.

State of Hawaii on behalf of the Department of Accounting and General Services (DAGS), whose business and mailing address is Box 119, Honolulu, Hawaii 96810.

LEGAL REFERENCE:

Section 171-13 and 95, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Kuwili, Honolulu, Oahu, identified by Tax Map Keys: (1) 1-5-7:portion 1 and 2, as shown on the attached map labeled Exhibit A.

AREA:

29,467 square feet, more or less.

ZONING:

State Land Use District: Urban  
City and County of Honolulu CZO: BMX 3 & IMX 1

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State  
Constitution: YES \_\_\_\_\_ NO \_\_\_\_\_x

CURRENT USE STATUS:

Encumbered by Governor's Executive Order No. 4130, Housing and  
Community Development Corporation of Hawaii, for affordable  
rental housing project purposes.

Encumbered by Governor's Executive Order No. 4131, Department of  
Accounting and General Services, for Liliha Civic Center  
purposes.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain and  
repair a right-of-way over, under and across State-owned land for  
access and utility purposes.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Impact Statement acceptance notice for  
the subject project was signed by the Governor on April 2, 2002.

DCCA VERIFICATION: 300 Corporation

Place of business registration confirmed:	YES	<u>x</u>	NO	_____
Registered business name confirmed:	YES	<u>x</u>	NO	_____
Applicant in good standing confirmed:	YES	<u>x</u>	NO	_____

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Provide survey maps and descriptions according to State DAGS  
standards and at Applicant's own cost.

REMARKS:

The Governor on October 24, 2005 signed Executive Order No. 4130.

The State property is the last significant State property available for affordable housing development in urban Honolulu. HCDCH plans to develop the Senior Residence at Iwilei. By memorandum dated October 26, 2005, Ms. Stephanie Aveiro, Executive Director is requesting the Land Board to cancel Easement 12 and re-issue a new easement to 300 Corporation (50% interest), HCDCH (25% interest) and DAGS (25% interest) where Easement U is designated on the City's subdivision map. (EXHIBIT B) In order to fully develop the site HCDCH requires Easement 12 to be relocated to Easement U. Easement 12 is an access and utility easement in favor of 300 Corporation, the adjacent owner of Parcel 29. Although not currently in use by 300 Corporation they were contacted through their attorney, Mr. Delwyn Wong. They still require an easement and have no objections to the new location.

Unfortunately, the location of Easement U was established by the City when HCDCH went in for consolidation and subdivision approvals. Previous City Administration plans calls for the City to extend Kaaahi Street to Iwilei Road. DAGS on the other hand has objected to this because it limits their ability to develop their site (they have plans) and they are also concerned of possible City transportation projects that could further limit their ability to develop their site encumbered by Governor's Executive Order No. 4131. Lack of funding prevents them (DAGS and City) from moving ahead.

In order for HCDCH to proceed with the development of their elderly rental housing project, Easement 12 in favor of 300 Corporation has to be cancelled and relocated to another area preferably to Easement U. 300 Corporation will not be landlocked from the loss of Easement 12. There is access available from Iwilei Road. They are cooperating with HCDCH in order for the elderly rental project to move ahead by agreeing to the cancellation of Easement 12 and relocating Easement 12 into Easement U. Due to the limited size of HCDCH property, HCDCH will have to locate many of its utilities and access within Easement U. The parties involved are requesting the Land Board's favorable consideration for the easement to be at gratis.

Should the City request the subject area, this easement will have to be cancelled.

300 Corporation is agreeable to an immediate cancellation of Easement 12, however, to allay liability concerns of 300 Corporation during construction of the Senior Residence at Iwilei project, Easement U will be issued to 300 Corporation after completion of the Senior Residence at Iwilei project, but no later than five (5) years from the date of this approval.

Applicants have not had a lease, permit, easement or other disposition of State lands terminated within the last five years

due to non-compliance with such terms and conditions.

Comments were solicited and their statements are listed below:

DHHL	No comments
Historic Preservation	No objections
City & County of Honolulu, DPP	No response
City & County of Honolulu, Environmental Services	No objections
DAGS	See Exhibit C
OHA	Would prefer easement be created on non-ceded lands.
CWRM	No objections
DOT	No response
DOH	No objections


RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the cancellation of Easement 12.
3. Issuance of Easement U to 300 Corporation after the completion of the Senior Residence at Iwilei project, but no later than five (5) years from the date of this approval.
4. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a perpetual non-exclusive easement to 300 Corporation, Housing and Community Development Corporation of Hawaii and the State of Hawaii on behalf of the Department of Accounting and General Services covering the subject area for access and utility purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
  - A. The standard terms and conditions of the most current perpetual easement document form, as may be amended from time to time;
  - B. Review and approval by the Department of the Attorney General; and
  - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

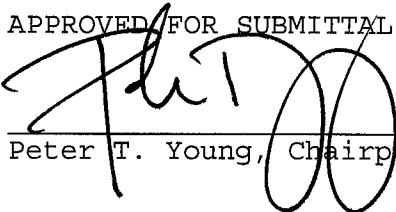
April 28, 2006

5. Authorize the issuance of a construction right-of-entry permit to the Housing and Community Development Corporation of Hawaii covering Easement U area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
  - A. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time and
  - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

  
✓ Charlene E. Unoki  
Assistant Administrator

APPROVED FOR SUBMITTAL:

  
\_\_\_\_\_  
Peter T. Young, Chairperson

FOR REAL PROPERTY TAXATION PURPOSES  
SUBJECT TO CHANGE

1	5	07
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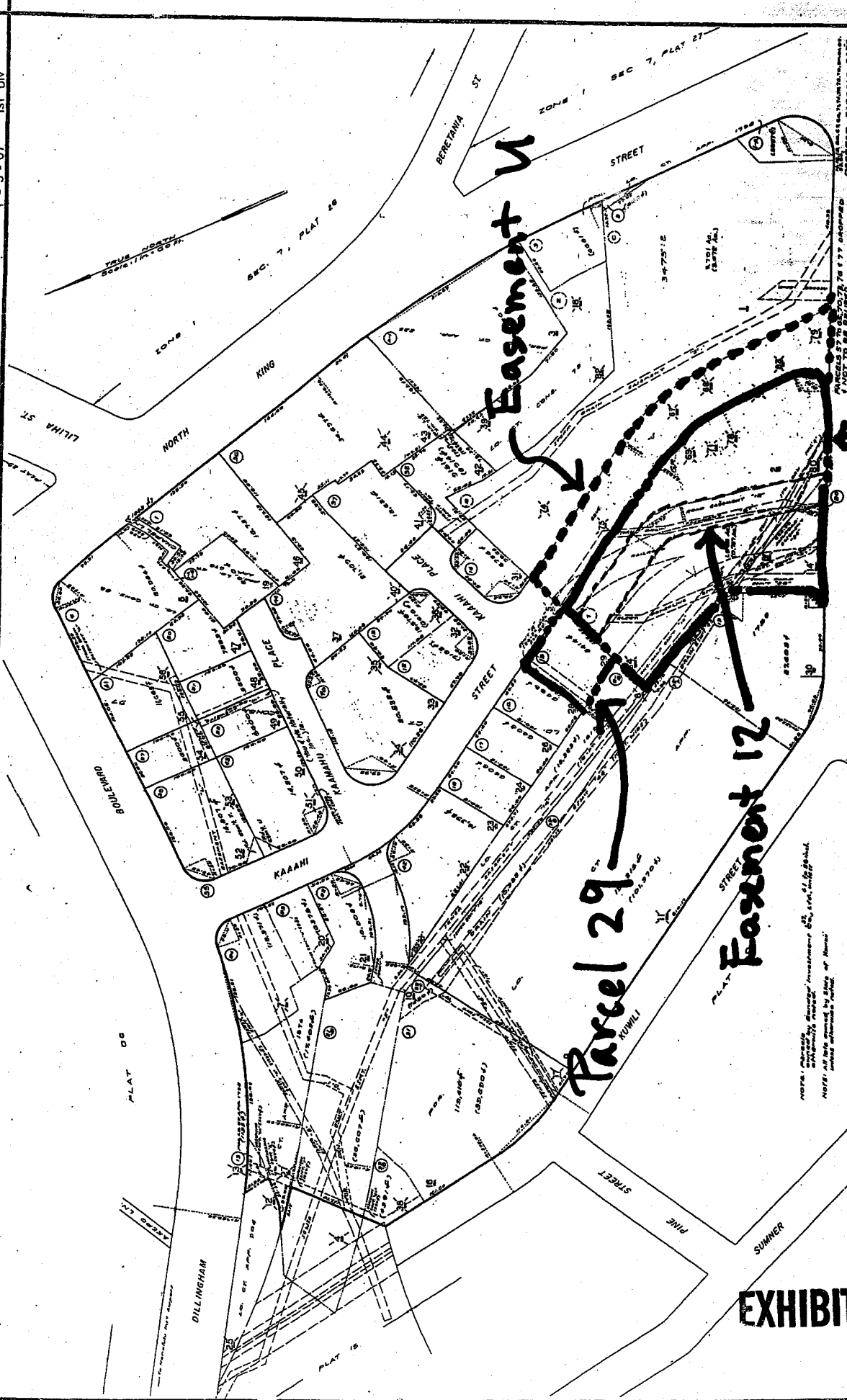
**EXHIBIT "A"**

Sr. Residence at Wilei  
Project Site

West 12  
STREET

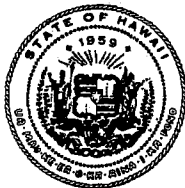
Parcel 291

# Easement



5375

LINDA LINGLE  
GOVERNOR



STEPHANIE AVEIRO  
EXECUTIVE DIRECTOR

RECEIVED  
LAND DIVISION

STATE OF HAWAII

DEPARTMENT OF HUMAN SERVICES

HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII

677 QUEEN STREET, SUITE 300

Honolulu, Hawaii 96813

FAX: (808) 587-0600

2005 OCT 31 A 9:03  
OCT 28 A 9:03

PAMELA Y. DODSON  
EXECUTIVE ASSISTANT

IN REPLY REFER TO:

05:DEV/0525

DEPT. OF LAND &  
NATURAL RESOURCES  
STATE OF HAWAII

October 26, 2005

To: Peter T. Young, Chairperson  
Board of Land and Natural Resources

From: Stephanie Aveiro  
Executive Director

Subject: Approval of Easement U for Access and Utility Purposes  
Senior Residence at Iwilei  
Iwilei, Oahu, Hawaii

DEPT. OF LAND &  
NATURAL RESOURCES  
STATE OF HAWAII

2005 OCT 31 A 9:03

RECEIVED  
LAND DIVISION

This letter refers to certain lands in Iwilei, Oahu, which is owned by the State of Hawaii and which will be turned over to the Housing and Community Development Corporation of Hawaii (HCDCH) by Executive Order.

An affordable housing project known as the Senior Residence at Iwilei will be developed on TMK (1) 1-5-007-002.

To facilitate the development of the project, HCDCH respectfully requests that the Board of Land and Natural Resources (BLNR) take action to approve the following as shown on the attached map:

- (a) Cancellation of Easement 12 (40' wide for roadway purposes) over TMK (1) 1-5-007-002; and
- (b) Designation of Easement U for access and utility purposes over TMK (1) 1-5-007-001 (Easement U replaces Easement 12).

At its October 1, 2001 meeting, the Board of Land and Natural Resources approved the cancellation of Easement 12. See: Item D-7.

After Easement 12 has been cancelled and Easement U has been designated in its place, BLNR is respectfully requested to grant (non-exclusive) rights to use,

EXHIBIT "B"

Peter T. Young, Chairperson  
October 26, 2005  
Page 2

together with the obligation to maintain, Easement U to the following owners, as their respective interests appear:

Owner	Tax Map Key	Maintenance Obligation
State of Hawaii	(1) 1-5-007-001	25%
State of Hawaii	(1) 1-5-007-002	25%
300 Corporation, a Maryland corporation	(1) 1-5-007-029	50%

Easement U would be terminated upon dedication to the City and County of Honolulu as a roadway.

Should there be any questions or comments regarding this matter, please contact Stan S. Fujimoto, Project Manager, at 587-0541.

Attachment

cc: Marvin B. Awaya, PHAC. w/attach.

EXHIBIT "B"



LINDA LINGLE  
GOVERNOR



14/1/06  
RECEIVED RUSS K. SAITO  
LAND DIVISION COMPTROLLER  
KATHERINE H. THOMASON  
DEPUTY COMPTROLLER

2006 MAR 10 A 11:03

(P)1070.6

STATE OF HAWAII

DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

P.O. BOX 119, HONOLULU, HAWAII 96810

DEPT. OF LAND &  
NATURAL RESOURCES  
STATE OF HAWAII

MAR - 8 2006

MEMORANDUM

TO: Ms. Stephanie Aveiro, Administrator  
Housing and Community Development Corporation of Hawaii (HCDCH)  
Department of Human Services

FROM: Russ K. Saito  
State Comptroller *Russ K. Saito*

SUBJECT: DAGS Approval of "Easement U for Utility and Roadway Purposes"  
at TMK(1)1-5-07:001 (Iwilei, Oahu)

This is to assure your agency that the Department of Accounting and General Services (DAGS) administration fully supports the pending HCDCH (to be renamed the "Hawaii Housing Finance and Development Administration or HHFDA," as of July 1, 2006) residential housing development project on the State-owned parcel in Iwilei, Oahu, that is adjacent to TMK(1)1-1-5-07:001 which is sometimes referred to as the DAGS "Liliha Civic Center parcel."

Pursuant to this matter, DAGS will expedite transmittal of documents required by the Department of Land and Natural Resources/Board of Land and Natural Resources (DLNR/BLNR) for "Easement U for utility and roadway purposes" which your staff created in TMK(1)1-1-5-07:001. DAGS will also process an Executive Order (EO) to HCDCH for your project.

Issues remaining to be addressed include the following:

1. We have found, as the result of in-depth DLNR staff research, that the Iwilei parcel has "ceded land" status in entirety. The impact of this "ceded land" status on HCDCH and DAGS projects needs to be determined.

EXHIBIT "C"

Ms. Stephanie Aveiro

(P)1070.6

Page 2

2. A City and County of Honolulu, Department of Transportation Services (CCH-DTS) letter dated January 20, 2006 (attached), states that Easement U needs to be retained for future considerations of the "Honolulu High-Capacity Transit Corridor Project." Preliminary/conceptual plans for this CCH-DTS project consider subways and/or overhead monorails within Easement U. Accordingly, HCDCH, DLNR, and DAGS need to meet with CCH-DTS staff to address the following questions:
  - A. What State-funded construction work will be allowed within Easement U? Work could include installation of utility lines for water, drainage and power, roadway improvements, and access driveway connections.
  - B. Who will construct the roadway improvements (i.e., sidewalks, curbs, gutters, traffic lanes, lights, etc.) that will be needed for the HCDCH and DAGS projects; and when will the roadway improvements be completed?
  - C. When will CCH-DTS accept maintenance responsibilities for State-funded work done within Easement U and/or who will be assuming interim maintenance responsibilities for State-funded work within Easement U until CCH-DTS receives DLNR/BLNR dedication of Easement U in favor of the CCH-DTS for the Honolulu High-Capacity Transit Corridor Project? Upon dedication, CCH should accept maintenance responsibilities for all improvements done within Easement U.
3. Who will be responsible for relocation of the LOST television production company from the HCDCH parcel? HCDCH staff initially allowed the LOST television production company to use its Iwilei parcel. HCDCH staff has indicated that it wants DAGS staff to process relocation of the LOST operation onto the DAGS parcel. There will be costs and displacement of existing operations which we have no budget to cover.

If you have any questions, please call me at 586-0400 or have your staff call Mr. Ralph Morita of the Public Works Division at 586-0500.

Attachment

- c: ✓ The Honorable Peter Young, DLNR/BLNR, Chairperson w/attachment  
Ms. Charlene Unoki, DLNR-Land Management Division w/attachment  
Mr. Ernest Y.W. Lau, DAGS-PWD, State Public Works Administrator w/attachment  
Mr. James Richardson, DAGS-CSD, Administrator w/attachment

EXHIBIT "C"

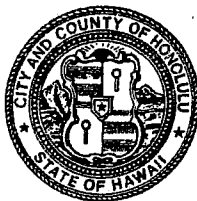
DEPARTMENT OF TRANSPORTATION SERVICES  
**CITY AND COUNTY OF HONOLULU**  
COMPTROLLER'S OFFICE  
DAGS  
650 SOUTH KING STREET, 3RD FLOOR • HONOLULU, HAWAII 96813  
TELEPHONE: (808) 523-4529 • FAX: (808) 523-4730 • INTERNET: www.honolulu.gov

2006 JAN 24 P 12:05

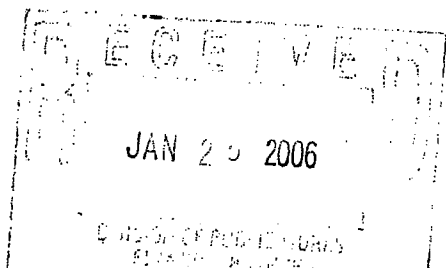
RECEIVED DAGS  
DIV. OF PUBLIC WORKS

2006 JAN 24 P 2:49

MUFI HANNEMANN  
MAYOR



ALFRED A. TANAKA, P.E.  
ACTING DIRECTOR



January 20, 2006

TP1/06-135281R

Mr. Russ K. Saito, Comptroller  
Department of Accounting and General Services  
State of Hawaii  
P.O. Box 119  
Honolulu, Hawaii 96810-0119

DIVISION OF PUBLIC WORKS	
TO:	FOR:
<input checked="" type="checkbox"/> PW Adm	Approval
<input type="checkbox"/> PW Sec	Signature
<input type="checkbox"/> Staff Svcs Br	Information
<input checked="" type="checkbox"/> Planning Br	Your File
<input type="checkbox"/> Proj Mgmt Br	See Me
<input type="checkbox"/> Design Br	Comments
<input type="checkbox"/> Inspec Br	Investigate &
<input checked="" type="checkbox"/> Qual Cont Br	Report
<input type="checkbox"/> Leasing Br	

Attention: Mr. Bruce Bennett

Dear Mr. Saito:

Subject: Kaaahi Street Extension through Liliha Civic Center

Thank you for the January 9, 2006 fax message from Mr. Bruce Bennett, regarding the 56-foot wide easement through the Liliha Civic Center property. The message from Mr. Bennett requested our concurrence that the easement can be extinguished.

Presently, the Honolulu High-Capacity Transit Corridor Project is considering fixed guideway alignments that follow the easement through the Liliha Civic Center property. The alternatives under consideration were described in the Scoping Information Package and Environmental Impact Statement Preparation Notice that were transmitted to you under separate cover last year. A decision on whether one of the alignments that traverse the Liliha Civic Center property will be studied further will be made by the Honolulu City Council by January 1, 2007. Therefore, the easement cannot be extinguished at this time.

Ongoing technical studies will establish the requirements, such as width, air rights, etc., for the easement. We would welcome the opportunity to discuss these issues with you.

EXHIBIT "U"

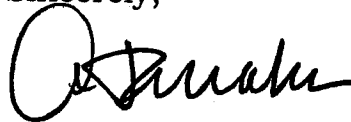
Mr. Russ K. Saito, Comptroller

Page 2

January 20, 2006

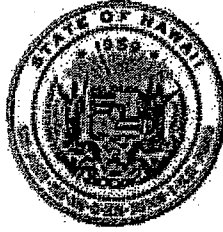
Should you have any questions regarding this matter, please contact Mr. Toru Hamayasu, Project Manager, at 527-6978.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Tanaka", written over a large, stylized capital letter "O".

ALFRED A. TANAKA, P. E.  
Acting Director

EXHIBIT "C"



STATE OF HAWAII  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
PUBLIC WORKS DIVISION  
PLANNING BRANCH  
P.O. BOX 119, HONOLULU, HAWAII 96810  
FAX COVER SHEET

CC:

TO: Toru Hamayasu DATE: January 9, 2006  
SUBJECT: Cancellation of Kaaahi St extension to Iwilei Rd, via a DAGS'  
Liliha Civic Center site 56' wide Easement U  
FAX: 527-6987 DAGS Job No. n/a

FROM: Bruce Bennett PH: (808) 586-0491  
FAX: (808) 586-0482

ITEMS TRANSMITTED AS CHECKED BELOW:

_____	As requested	Originals: _____ will
_____	For approval	_____ will not be mailed
_____	For your information	
<u>X</u>	For your action	
_____	Review and Comment	No. of pages <u>2</u> (including this cover sheet)

Toru,

I talked with you in the past regarding this 56 foot-wide easement that passes thru the State of Hawaii, DAGS' property at our Liliha Civic Center site, and reduces or virtually eliminates any possibility of our building a future office building.

At that time, I understood you to say that you needed this access easement for the proposed BRT- although possibly a 40 foot-wide easement- would be adequate. Please correct me if my interpretation of what you said is wrong.

The BRT has now become defunct; we request your concurrence that this easement can therefore be extinguished instead of just being reduced to a 40 or less foot wide easement. Note: I believe that the HART had proposed a 40 ft wide easement.

Thanks in advance,

Bruce

586-0491 direct line; email [bruce.e.bennett@Hawaii.gov](mailto:bruce.e.bennett@Hawaii.gov)

**EXHIBIT "C"**

**CONFIDENTIALITY NOTIFICATION**

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